

**THE VIRGINIA BOARD OF COUNSELING**  
**REGULATORY, SUPERVISION, & LEGISLATIVE COMMITTEE**  
**DRAFT MINUTES**

**NOVEMBER 21, 2002**

The Regulatory, Supervision & Legislative Committee of the Board of Counseling met on Thursday, November 21, 2002 at the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. Dr. Janice F. McMillan, Ph.D., Chair, called the meeting to order at 1:12 p.m.

**COMMITTEE MEMBERS PRESENT:** Rosemarie S. Hughes, Ph.D.  
Eric T. Scalise, LPC, LMFT  
Jack Knapp, D.D.  
Abigail C. Barnes, CSAC  
Barbara Chrisley, Ph.D.  
Howard King, Ph.D.  
Kevin S. Doyle, Ed.D.

**STAFF PRESENT:** Evelyn B. Brown, Executive Director  
Benjamin Foster, Deputy Executive Director  
Diana Pollick, Administrative Assistant  
Robert A. Nebiker, Agency Director  
Elaine Yeatts, Senior Policy Analyst

**ORDERING OF AGENDA:**

[Dr. McMillan](#) opened the floor to any changes in the agenda.

**PUBLIC COMMENT:**

Mr. David Naylor speaking on behalf of the Virginia Association of Alcoholism and Drug Abuse Counselors expressed concern and displeasure about a proposal to remove the Certified Substance Abuse Counselor (CSAC) requirement from the proposed Licensed Substance Abuse Treatment Practitioner regulations (Time-Limited Waiver).

## MINUTES FROM AUGUST 22, 2002

On a motion by [Dr. Hughes](#) the minutes were unanimously approved.

### STATUS OF PENDING REGULATION

[Mr. Foster](#) provided information on the Board's **Time-Limited Waiver** package that has been submitted for approval to publish as "Final Regulations." [Mr. Nebiker](#), Agency Director, and [Ms. Yeatts](#), Agency Regulatory Coordinator discussed two concerns raised by the Department of Planning and Budget in their review of the regulatory package. After considerable discussion of these concerns the Committee agreed to drop the CSAC requirement in the proposed section 18 VAC 115-60-55.1 and strengthen the comprehensive report requirements of the proposed section 18 VAC 115-60-55.3.

Until (insert date for one year following effective date of regulation) individuals who do not meet the licensure requirements set forth in 18 VAC 115-60-50, 18 VAC 115-60-60, 18 VAC 115-60-70, 18 VAC 115-60-80, and 18 VAC 115-60-90 may be eligible for licensure if they submit a completed application, processing fee, and provide evidence that they meet the following criteria:

- ~~1. A current Virginia board certification as a substance abuse counselor in good standing;~~
- ~~2~~ 1. A passing score on a board-approved examination;
- ~~3~~ 2. A minimum of three] comprehensive reports from: ~~a minimum of three~~ a. At least two licensed mental health professionals, ~~of which one of whom]~~ must be licensed in Virginia, that affirm competence in all areas outlined in 18 VAC 115-60-80C(1) and attest to the applicant's ability to practice autonomously; and
  - b. A clinical supervisor who has provided supervision, as defined in 18 VAC 115-60-10, of the applicant for a minimum of one year within the applicant's most recent five years of practice. If supervision was provided in an exempt setting, the report may be submitted by an unlicensed mental health professional;

A motioned was made by [Dr. McMillan](#), properly seconded by [Mr. Scalise](#), and unanimously carried to accept the new language and to bring it before the full Board for adoption.

Mr. Foster provided information on the Board's **Certified Substance Abuse Counselor and Certified Substance Abuse Counselor Assistants** package. In an Economic Impact Analysis prepared by the Virginia Department of Planning and Budget dated September 23, 2002 concerns were raised about the "bachelor's degree requirement." The Committee reviewed a draft Agency Response to Economic Impact Analysis prepared by Ms. Yeatts. In the response the Board does not concur with the analysis prepared by the Department of Planning and Budget. "The requirement is clearly mandated by the Code. For the Board to certify an individual who did not hold a bachelor's degree would place the Board out of compliance with the law." A motion was made by Mr. Scalise, properly seconded by Mr. Knapp, and unanimously carried to accept the draft response and to bring it before the full Board for adoption.

Mr. Foster talked about **Continuing Competency regulations**. Ms. Yeatts reminded the Committee that the Board needed to have proposed regulatory language ready by the February meeting. Dr. McMillan stated that progress had been made at the last Committee meeting in August. And, that some language had been drafted by one of the workgroups. The remaining workgroup would meet after the adjournment of the Committee meeting.

## **NEW BUSINESS**

Dr. McMillan provided background on as well as discussed an issue that has arisen concerning 18 VAC 115-20-52.5 (CACREP-CORE – approved program in mental health counseling). The Committee agreed that language contained in April 12, 2000 Regulations concerning this section is inaccurate in that CORE does not have a program in mental health counseling. The CORE program is rehabilitation related. Dr. Hughes made a motion, properly seconded by Mr. Scalise, and unanimously carried to as the full Board to issue a Notice of Intended Regulatory Action to correct the language relating to CORE in this section.

## **ADJOURNMENT:**

There being no additional business Mr. Scalise made a motion to adjourn.

Dr. McMillan adjourned the committee meeting at 3:01 p.m.

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Dr. Janice F. McMillan, Chair

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Benjamin Foster, Deputy Executive Director